

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 159 - SB 1608

March 15, 2021

SUMMARY OF ORIGINAL BILL: Prohibits a public agency from requiring an individual or a 501(c) organization to provide personal information or requiring a current or prospective contractor or grantee with the public agency to provide a list of 501(c) organizations to which it has provided financial or nonfinancial support. Prohibits a public agency from disclosing an individual's or a 501(c) organization's personal information. Specifies certain circumstances that personal information may be disclosed, including warrants, requests for discovery in litigation, state agency access for purposes of conducting an audit, subrecipient monitoring, conducting a background check, and conducting an investigation. Requires maintenance of the confidential nature of the personal information.

Authorizes civil action for violations of confidentiality. Authorizes the Comptroller of the Treasury (COT) to have access to personal information for purposes of audit or investigation, but is required to maintain the confidentiality.

Effective October 1, 2021.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005061): Deletes and replaces language of the original bill to remove the criminal penalty and specify that civil action violations are not applicable to public agencies.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation would make personal individual information and 501(c) personal information, including any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support confidential except in specific instances.
- This does not include information that a state agency would require for purposes of audit, investigation, subrecipient monitoring, or conducting a background check.

- As civil action dispositions are not applicable to a public agency, there will not be a significant fiscal impact on state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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